

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 8, 10-16, and 20-22 are requested to be cancelled without prejudice.

Claims 1, 2, 4, 5, 6, 7, 9, 17, 18, and 19 are currently being amended. No new matter is added.

Claims 23-26 are being added. No new matter is added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7, 9, 17-19, and 23-26 are pending in this application.

Claim Rejections 35 U.S.C. § 103

On page 4 of the Office Action, the Examiner rejected Claims 1-3, 5-9, and 17-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,496,107 ("Himmelstein") and U.S. Pat. No. 6,493,669 ("Curry").

The Examiner stated:

Himmelstein discloses a system and method for selecting a user speech profile for a device in a vehicle..., the system comprising: ... a control module ... a speech recognition system ... a memory ... an external device configured to transmit a control signal to the vehicle using an identifier

The Examiner acknowledged that:

Himmelstein does not disclose the control module uses the identifier to select a user speech profile from the plurality of user speech profiles and the speech recognition system uses the selected user speech profile to process audio signals from the user (the identifier identifies one of the plurality of active users, but does not automatically select the individual user's speech profile)

The Examiner further stated that:

Curry et al. disclose a system for use in a vehicle wherein once a user is identified, a control module uses the identifier to select a user speech profile from the plurality of user speech profiles and the speech recognition system uses the selected user speech profile to process audio signals from the user (an identifier is used to select an individualized speech model for speech recognition, column 4, lines 25-31).

The Examiner concluded that:

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Himmelstein to select the speech profile associated with the control signal identifier sent from the external device, because this would reduce the number of template comparisons needed to be made. Additionally, as taught by Curry et al., selecting an individualized speech model for recognition reduces the recognition error rate (column 2, lines 56-61).

Applicants respectfully traverse the rejections.

The “system for selecting a user speech profile using a first portable electronic device and a second portable electronic device” recited in independent Claim 1 (as amended) would not have been obvious in view of Himmelstein, alone or in any proper combination with Curry under 35 U.S.C. § 103(a). Himmelstein alone or in any proper combination with Curry does not disclose, teach or suggest a “system for selecting a user speech profile” comprising, in combination with other elements, “a memory coupled to the speech recognition system and configured to store a first user speech profiles and a second user speech profile, the first user speech profile associated with a first portable electronic device identifier and the second user speech profile associated with a second portable electronic device identifier, wherein the memory

also stores prioritization data for the first portable electronic device identifier and the second portable electronic device identifier.” To transform Himmelstein and Curry into a “system for selecting a user speech profile” (as recited in Claim 1) would require still further modification, and such modification is taught only by the Applicants’ own disclosure.

In particular, on page 8 of the Office Action, the Examiner acknowledged that Curry “does not disclose a plurality of user input devices that are configured to receive an input command from a user that includes an identifier, wherein the memory includes a user prioritization list indicating a user preference for each user input device.” However, and contrary to the Examiner’s assertion on page 8 of the Office Action, Himmelstein does not disclose, teach, or suggest a memory including a user prioritization list indicating a user preference for each external device. Rather, Himmelstein associates a priority with a **user** and preferences for **vehicle devices** (not external devices)(col. 5, lines 4-7). Neither Himmelstein nor Curry, nor their combination, disclose, teach, or suggest the **prioritization of portable electronic devices**.

Yet further, one of ordinary skill in the art would not have been motivated to combine the biometric signature-based system of Curry with the transponder of Himmelstein. Curry actually tends to teach away from a “user profile” system based on electronic devices (see Curry, col. 4, lines 62-col. 5, line 2)(explaining that face recognition provides sure driver identification where devices “cannot be used to identify a specific driver.”

The “system for selecting a user speech profile” recited in independent Claim 1, considered as a whole, would not have been obvious in view of Himmelstein and/or Curry. The Applicants respectfully submit that Claim 1 is patentable over Himmelstein in view of Curry. Dependent Claims 2-7 and 9, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112 ¶ 4. The Applicants respectfully request withdrawal of the rejection of Claims 1-7 and 9 under 35 U.S.C. § 103(a).

The Applicants respectfully submit that independent Claim 17 (as amended) and new independent 23 are patentable over Himmelstein and/or Curry for many of the same reasons that Claim 1 is patentable. Particularly, the combination of Himmelstein and Curry does not disclose, teach, or suggest:

prioritizing the first portable electronic device and the second portable electronic device;
receiving a first control signal from the first portable electronic device and a second control signal from the second portable electronic device; and
automatically selecting one of the user speech profile for the first user and the second user, the selection based on the first control signal, the second control signal, and the prioritization of the first portable electronic device and the second portable electronic device

as recited in independent Claim 17 or:

using pre-established prioritization information to select a user speech profile for the speech recognition system from a plurality of user speech profiles, the pre-established prioritization information indicating which of the plurality of user speech profiles should be selected for the speech recognition system when the radio frequency signals are received from the plurality of portable electronic devices

as recited in independent Claim 23.

Accordingly, the Applicants respectfully request the withdrawal of the rejections of Claims 17-19 under 35 U.S.C. § 103(a); and the allowance of new Claims 23-26.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be provided herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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